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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/530,417	11/21/2005	Zbigniew Urbanski	INV 101NP	6703

23995 7590 03/21/2007
RABIN & Berdo, PC
1101 14TH STREET, NW
SUITE 500
WASHINGTON, DC 20005

EXAMINER

SINGH, PREM C

ART UNIT	PAPER NUMBER
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1764

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/21/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No. 10/530,417	Applicant(s) URBANSKI ET AL.	
	Examiner Prem C. Singh	Art Unit 1764	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 November 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

EXAMINER'S AMENDMENT

Please number the claim: (1).

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

3. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation

Art Unit: 1764

under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

4. Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gi (US Patent 4,463,203).

5. With respect to claim 1, Gi invention discloses a process for the preparation of fuel oil, fuel gas and pyrolysis coke. In a specific embodiment, Gi discloses using a powdered feed comprising of waste rubber (24.2 parts), synthetic resin (24.2 parts), brown coal (48.5 parts), and bentonite (3.1 parts). The mixture was pyrolysed in vacuum at about 700-800°C to produce fuel oil, fuel gas, and pyrolysis coke (See column 4, lines 48-59). Gi further discloses, "It is most urgent thing to regenerate and reuse effectively material, i.e., waste rubbers and waste vinyls which form an unsolved pollution problem." (Column 1, lines 24-27). Gi also discloses, "Bentonite and brown coal react to prevent the degraded material from being coherent on the surface of the reactor." (Column 3, lines 22-24).

Gi invention does not disclose mechanical compacting of the feedstock but the invention does mention using mixing of the components (See column 4, lines 50-52).

It is to be noted that Gi is using vinyls (synthetic resin) along with waste rubber to reduce the pollution problem. Also, Gi is using bentonite to react with brown coal and

Art Unit: 1764

prevent the adherence of degraded material on the reactor surface. Gi invention adds that if rubber alone is used with coal, the reaction products attach with the surface of the reactor vessels (See column 1, lines 64-68). Clearly, rubber could be used alone with brown coal without vinyls and bentonite, if the pollution problem due to vinyls and adherence of degraded material to the reactor surface is not a concern to one skilled in the art. See *Ex parte Wu*, 10 USPQ 2031 (Bd. Pat. App. & Inter. 1989).

Although Gi discloses using the feed in the powder form, the invention does not specifically mention about the particle size. But, it would have been obvious to one skilled in the art at the time the invention was made to modify Gi invention and use a particle size, including as claimed, which could be effective for pyrolysis reactions.

Gi uses a pyrolysis temperature of 700-800°C, and also discloses, "After exceeding the temperature of 500°C, the production of tar is hardly present." (Column 2, lines 38-39). Thus, it would have been obvious to one skilled in the art at the time the invention was made to modify Gi invention and use a temperature as claimed (at least 900°C) to reduce production of tar.

Gi uses a pyrolysis reactor and does not mention about the cells of a cokeoven battery. Since the pyrolysis reaction can take place in any reactor, including a cokeoven battery, it would have been obvious to one skilled in the art at the time the invention was made to modify Gi invention and use a cokeoven battery for the pyrolysis reaction to use waste rubber at a large scale.

Art Unit: 1764

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

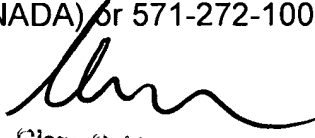
Kutrieb, US Patent 4,507,174.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Prem C. Singh whose telephone number is 571-272-6381. The examiner can normally be reached on MF 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenn Caldarola can be reached on 571-272-1444. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

PS/030507


Glenn Caldarola
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Technology Center 1700